



## **Filing for a Waiver for CC Docket No. 02-6**

### Application Information

Billed Entity Number 16082789

2701 N. Main St. Los Angeles CA

FCC Registration Number: 0024516668

Applicant Type: School

Application Number: 171049169

### Consultant

Stacey Walls

812-277-1499 ext. 1007

[swalls@espyservice.com](mailto:swalls@espyservice.com)

Consultant Registration Number: 16085263

### Waiver Explanation:

- Missed the May 11 form 471 filing date for Erate Schools and Libraries

On April 27<sup>th</sup>, 2017 I tried to file a form 471 when it kept kicking me out. It kicked me out twice. So I then contacted Erate 202-418-0193 and spoke to a Terri on the issue I was having. She was very helpful and informed me I needed to file the form 470. I immediately brought up. *If you **did not** post an FCC Form 470 but signed a multi-year contract or a contract with voluntary extensions, you **must** post an FCC Form 470 for FY2016.* Her reasoning would have been the 1 year term stated in the contract.

After hearing this, my response to Terri was what my next step is. She suggested to file a form 470 quickly, wait the 28 day bidding period then file your form 471 (if no bids had be received of course) (which none were) then continue with your form 471 filing. Once the form 471 filing is complete I must submit a waiver to what FCC. Which leads me to my waiver response today. Terri's case number 173020.

In calling in last Thursday and Friday I received no answer for help on guidance with this waiver. Today I finally talked to James with the FCC. He gave me some great advice on the filing form to the FCC and uploading this document at the end.

As the consultant of the above school in filing for fund year 2016 I was under the impression by the underlined statement below I didn't need to file a form 470 (fund year 2017) because the service provider's contract read:

Order: 312043-042916

California Children's Academy



In addition to the Terms and Conditions to which Customer has agreed on the TAA, Customer and TelePacific agree to amend and modify the Terms and Conditions of the TAA as follows:

Addendum to the TAA 3-Year Pricing on  
1-Year Term

With your commitment to a one (1) year term contract TelePacific will bill Services provided to you at a monthly recurring rate of a three (3) year term.

With the 1 year term and reading services provided to the school at a monthly recurring rate of three (3) year term. I read and took this as If you posted an FCC Form 470 and then signed a multi-year contract or a contract with voluntary extensions that covers (or will cover, if you exercise an extension) all or part of FY2016, you **do not** need to post a new FCC Form 470 **for the period covered by that contract. (Example below)**

### **FCC Forms 470 and existing contracts (Attached at bottom)**

If you have an existing contract, posting an FCC Form 470 may or may not be necessary.

- **Multi-year contracts or contracts with voluntary extensions.** If you **did not** post an FCC Form 470 but signed a multi-year contract or a contract with voluntary extensions, you **must** post an FCC Form 470 for FY2016. You can consider your existing contract as a bid response, but you must also evaluate any other bids received. Note that if your existing contract is not the most cost-effective solution with the [price of the eligible products and services as the primary factor](#) in your bid evaluation, you will not be able to receive E-rate discounts under your existing contract for FY2016.

**Contracts that resulted from properly posting an FCC Form 470.** If you posted an FCC Form 470 and then signed a multi-year contract or a contract with voluntary extensions that covers (or will cover, if you exercise an extension) all or part of FY2016, you **do not** need to

post a new FCC Form 470 **for the period covered by that contract** (see below). On any FCC Form 471 funding requests for services provided under that contract, you can enter the FCC Form 470 application number for the competitive bidding process that resulted in that contract (the "establishing FCC Form 470").

Attached at the bottom of this document is the News Brief I have gotten my information from. I would like you to accept this documentation and reconsider USAC's decision to deny this funding do to the May 11<sup>th</sup> window with a **waiver.**

Thank you for your time and attention to this matter.

Sincerely,

***Stacey Walls***

***Cost Analyst Specialist***

**Espy Services**

**2213 16<sup>th</sup> St.**

**Bedford IN 47421**

**812-277-1499 ext. 1007**



## SCHOOLS AND LIBRARIES PROGRAM

# NEWS BRIEF

October 30, 2015

**TIP OF THE WEEK:** File your FY2015 FCC Form 486 after you have received your FCDL and your services have started. If you missed the October 29 deadline (see [last week's SL News Brief](#)), you do not need to file an appeal - just file and certify your form as soon as possible.

### Commitments for Funding Years 2015 and 2014

**Funding Year 2015.** USAC will release Funding Year (FY) 2015 Wave 24 Funding Commitment Decision Letters (FCDLs) on November 5. This wave includes commitments for approved requests for all service types and at all discount levels. As of October 30, FY2015 commitments total over \$2.46 billion.

**Funding Year 2014.** USAC will release Wave 69 FCDLs on November 3. This wave includes commitments for approved Priority 1 (Telecommunications Services and Internet Access) requests at all discount levels. As of October 30, FY2014 commitments total over \$2.27 billion.

On the day the FCDLs are mailed, you can check to see if you have a commitment by using USAC's [Automated Search of Commitments](#) tool.

### APPLICATION PROCESS: FCC Form 470

The FCC Form 470, Description of Services Requested and Certification Form, is the first program form applicants file to request discounts under the E-rate program. Starting with FY2016, FCC Forms 470 must be filed using the [E-rate Productivity Center \(EPC\)](#). For information on how to file your FCC Form 470 using EPC, review the [FCC Form 470 User Guide](#) or watch the [FCC Form 470 Video Tutorials](#).

By posting an FCC Form 470 and describing the services they are requesting, applicants are opening a competitive bidding process. Service providers can then review and respond to the applicants' requests for services.

- You can review FCC Forms 470 filed in EPC by logging in to your organization's EPC account. Individual forms are available under the Records tab, and downloads of form information are available under the Actions tab.
- You can also review FCC Forms 470 on the [Search Tools](#) page on the USAC website. Individual forms are available using the [View an FCC Form 470 \(FY2016\)](#) tool and downloads of form information are available from the [Download 470 Information \(FY2016\)](#) tool.
- Some applicants filed FCC Forms 470 intended for FY2016 by using the FY2015 version of the form (before the FY2016 FCC Form 470 was available in EPC). You can also view those forms from the [Search Tools](#) page on the USAC website. Individual forms are available using the [View an FCC Form 470 \(2015 and prior\)](#) tool and downloads of form information are available from the [Download 470 Information \(FY2015\)](#) tool.

In general, you must file an FCC Form 470 for FY2016 if you:

- Are seeking non-contracted tariffed or month-to-month services.
- Intend to sign a new contract.
- Signed a multi-year contract or a contract with voluntary extensions without first posting an FCC Form 470 and following all of the competitive bidding rules of the program.

NOTE: If you have already filed an FCC Form 470 using the FY2015 version of the form and intended it for FY2016, you do not have to re-file your form.

Your FCC Form 470 **MUST:**

- Be detailed enough for potential bidders to understand your requirements and any reasons for disqualification. This includes being sufficiently detailed regarding the quantity and capacity of services.
- Be posted for the correct category or categories of service. Note that you should click "Category One" if you intend to post for Internet access, data transmission services, and/or voice services on the FCC Form 471; click "Category Two" if you intend to post for internal connections, managed internal broadband services, and/or basic maintenance of internal connections on the FCC Form 471.
- Indicate whether you have issued or will issue a Request for Proposals (RFP). If you issue an RFP, you must upload a copy to the FCC Form 470.
- Encompass all entities that will receive services – including [non-instructional facilities](#) (NIFs).
- Be **posted** on the USAC website for at least 28 days before you select a service provider; sign a contract (if appropriate); and file and certify your FCC Form 471.

Your FCC Form 470 **MUST NOT:**

- Be completed or signed by a service provider or feature a service provider as the contact person or technical contact person.
- Be an encyclopedic list of services.
- Specify vendors, manufacturers, or model numbers without including the words "or equivalent" or a similar qualification.

### **28-day posting requirement**

As noted above, your FCC Form 470 must be posted on the USAC website for at least 28 days before you choose a service provider, sign a contract (if appropriate), and file and certify your FCC Form 471.

If you know the services you want to request – or even if you only know some of them – you can post an FCC Form 470 now for the services you know and post another FCC Form 470 later for any other services if you wish to do so.

### **Issuing an RFP**

You can prepare and issue an RFP in addition to your FCC Form 470. RFPs are not specifically required under program rules but may be required by your state or local procurement rules or competitive bidding requirements. An RFP describes the project you want to undertake in sufficient detail to inform potential bidders of the scope, location, and any other requirements for the project. You must also clearly indicate in the FCC Form 470 and/or the RFP any reasons that bidders could be disqualified and provide information on requirements imposed by state or local procurement rules and regulations.

If you issue an RFP, you must indicate that fact and upload the RFP document to your form. If you issue additional RFP documents after you certify your FCC Form 470, you must upload those documents to your form as well. For more information, see the SL News Briefs for [August 7](#), [August 14](#), [September 18](#), and [October 9](#).

Remember that the price of the eligible products and services must be the primary factor in your bid evaluation. You can consider other factors in your evaluation, but none of those other factors can be weighted more heavily than price.

### **Treating All Potential Bidders Equally**

You must conduct a fair and open competitive bidding process. To ensure this, all potential bidders and service providers must have access to the same information and be treated in the same manner throughout the procurement process.

For instance, if you decide to hold an E-rate open house or provide additional information that is not included in your FCC Form 470 or RFP, you must post this information in a manner that is available to all potential bidders.

### **FCC Forms 470 and existing contracts**

If you have an existing contract, posting an FCC Form 470 may or may not be necessary.

- **Multi-year contracts or contracts with voluntary extensions.** If you **did not** post an FCC Form 470 but signed a multi-year contract or a contract with voluntary extensions, you **must** post an FCC Form 470 for FY2016. You can consider your existing contract as a bid response, but you **must also evaluate any other bids received.** Note that if your existing contract is not the most cost-effective solution with the [price of the eligible products and services as the primary factor](#) in your bid evaluation, you will not be able to receive E-rate discounts under your existing contract for FY2016.
- **Contracts that resulted from properly posting an FCC Form 470.** If you posted an FCC Form 470 and then signed a multi-year contract or a contract with voluntary extensions that covers (or will cover, if you exercise an extension) all or part of FY2016, you **do not** need to post a new FCC Form 470 **for the period covered by that contract** (see below). On any FCC Form 471 funding requests for services provided under that contract, you can enter the FCC Form 470 application number for the competitive bidding process that resulted in that contract (the "establishing FCC Form 470").
- **Contracts that expire before the end of the funding year.** If a contract that was signed pursuant to program rules expires before June 30, 2017, you must file a new FCC Form 470 to open a competitive bidding process for any services that would be provided during the part of the funding year not covered by that expiring contract.
- **State master contracts.** If you intend to purchase services from a state master contract, refer to the documents [Contracts](#), [State Master Contracts](#), and [State Replacement Contracts](#) for more information.

#### Posting for services that do not require an FCC Form 470

Starting with FY2015, the FCC created exemptions from its competitive bidding rules – including the posting of an FCC Form 470 – for applicants seeking E-rate Program support to purchase either or both of the following:

- a commercially available, business-class Internet access service that costs \$3,600 or less for a single year.
- Category Two internal connections from a contract designated by the Wireline Competition Bureau of the FCC as a preferred master contract. (NOTE: We do not expect any contracts to be designated as preferred master contracts for the FY2016 application cycle.)

For a business-class Internet access service to qualify for an exemption, the service must meet ALL of the requirements set forth in the *E-rate Modernization Order*. For specific information on these requirements, you can refer to the [November 7, 2014 SL News Brief](#).

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